

THIS FILING LETTER DOES NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. THE ADDENDUM TO THE REPORT, THE CLEAN AND REDLINED OF REVISED REPORT PAGES, AND REVISED PAGE 2 OF ATTACHMENT 4 DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. CLEAN AND REDLINED VERSIONS OF REVISED PAGE 2 OF ATTACHMENT 5 CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION, AND IS SUMITTED IN A SEPARATE, CLEARLY MARKED, ENVELOPE.

BY HAND DELIVERY

February 2, 2010

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Annual Report in Docket Nos. ER01-3001-024, ER03-647-014 and
Request for Privileged Treatment of Clean and Redlined Versions of
Page 2 of Attachment 5

Dear Ms. Bose:

Enclosed for filing in the above-referenced dockets is an addendum (“Addendum”) to Section III of the New York Independent System Operator’s (“NYISO’s”) annual reports to the Federal Energy Regulatory Commission (“Commission”): the Report on Installed Capacity (“ICAP”) Demand Curves filed on January 15, 2010. This Addendum, and its attachments, will clarify certain information in Section III of the NYISO’s annual report.

As set forth in the Addendum and its attachments, the NYISO has determined that an explanation regarding the maximum price impacts would be beneficial to the Commission and the NYISO’s stakeholders. In addition, the NYISO has determined that certain cost data for certain units in one class (Class H) was included and should not have been. The inclusion of that data had no effect on the NYISO’s analysis or conclusions. The revisions are identified in the Addendum and on its attachments.

I. List of Documents Submitted

The NYISO submits:

1. Addendum to Section III of its Annual Demand Side Management Programs, New Generation Projects in the New York Control Area, and the Installed Capacity (“ICAP”) Demand Curves, filed on January 15, 2010; namely, the Report on ICAP Demand Curves.

2. Redlined and clean versions of Revised Pages 35, 36, 38, 39, and 40.
3. Redlined and clean versions of Revised Page 2 of Attachment 4.
4. Redlined and clean versions of Revised Page 2 of Confidential Attachment 5.

II. Request for Confidential Treatment of Clean and Redlined Versions of Revised Page 2 to Attachments 5 of Report Section III

In accordance with Sections 388.107 and 388.112 of the Commission's Regulations,¹ Article 6 of the NYISO's Market Administration and Control Area Services Tariff, Sections 1.0(4) and 4.0 of the NYISO's Code of Conduct, the NYISO requests Privileged and Confidential treatment of the contents of the clean and redlined versions of Page 2 of Attachment 5 of Report Section III (the "Confidential Revised Pages"). The NYISO also requests that Confidential Revised Pages be exempted from public disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 522.²

The Confidential Revised Pages contain privileged and commercially sensitive, and trade secret information that is not made public by the NYISO and that could cause competitive harm to the affected Market Participants, and could adversely affect competition in the markets administered by the NYISO, if publicly disclosed. This information includes the identity of installed capacity suppliers and offers and costs of the suppliers. This confidential, commercially sensitive information is exempt from disclosure under 5 U.S.C. § 522(b)(4). For these reasons, the NYISO requests that the contents of Confidential Attachments received Privileged and Confidential treatment and be exempt from FOIA disclosure.

A redacted, public version of the contents of Attachment 5 is set forth in Table 9 of Report Section III filed on January 15, 2010. Revised Page 2 of Attachment 5 is not susceptible to redaction. Therefore, the NYISO requests waiver of any obligation it may have under the Commission's regulations or the Secretary's rules to submit redacted copies of the clean and redlined version of that revised page, which comprise the entirety the Confidential Revised Pages. .

Clean and redline versions of Revised Page 2 of Attachment 5 are identified and marked in accordance with the Commission's regulations and rules published by the Secretary's Office for submitting Privileged information.

¹ 18 C.F.R. §§ 388.107, 388.112 (2009).

² The Information provided by the NYISO for which the NYISO claims an exemption from FOIA disclosure is labeled "Contains Privileged Information – Do Not Release."

III. Correspondence

Copies of correspondence concerning this filing should be addressed to:

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Respectfully submitted,

/s/

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cc: Michael Bardee
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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the foregoing document on the official service lists compiled by the Secretary in these proceedings. I have also electronically served the foregoing on all market participants, on each participant in its stakeholder committees, on the New York State Public Service Commission, and on the electric utility regulatory agency of New Jersey.

Dated at Washington, DC, this 2nd day of February 2010.

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